

## THE NEW YORK MIGRANT LABOR PROGRAM

by

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In this discussion, an attempt will be made to list first the methods which have been used during the past four years to bring about improvement in migrant camp conditions in New York. This will be followed by a summary of the specific steps, including legislation, which have been taken since 1943.

Despite some progress which we believe has been made, none of us concerned with the migrant problem in New York believes that it has been solved. Much remains to be done in specific fields which will be mentioned later. In fact, we see more to be done now than we saw four years ago.

We include as migrant workers, all out-of-state workers except foreign and transported interstate. Roughly, three-fourths of them are southern negroes and one-fourth are Pennsylvania whites.

Most of the migrant workers are employed in four areas within New York. These include (1) Long Island, (2) the Hudson River Valley, (3) the Central Pea and Bean Counties, and (4) Western New York from Oswego and Cayuga counties westward. Although these areas include 26 counties, more than one-half are in the six counties: Wayne, Suffolk, Madison, Oneida, Chenango and Cayuga. Of the 14,000 migrant workers, approximately 10,000 live in 180 camps with 10 or more workers and the remainder live in smaller groups. Most are housed on farms although our labor associations are switching to migrants from prisoners of war and foreign workers. The average period of stay in New York is about 10 weeks. At our peak, migrants make up about 12 percent of our total seasonal labor force.

### Beginning of Program, 1942 and 1943

Prior to 1942, no one had been greatly concerned with the migrant problem in New York. For more than 30 years, varying numbers of migrants had been coming to the State for seasonal farm work.

During the summer of 1942, the Governor appointed a special committee composed of representatives of three State Departments of Health, Labor and Social Welfare to make a study of the migrant problem and to recommend suggestions for improvement. This committee made an intensive study, including visits to a large number of camps. The report of this committee outlining its findings and listing specific recommendations for improvement was submitted to the Governor in March, 1943.

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Because of the desperate efforts which were being made in the spring of 1943 to obtain sufficient help to maintain food production, those of us involved in the Farm Labor Program had little, if any, time to devote to carrying out the recommendations made by the Interdepartmental Committee. Of the total of thirteen recommendations made by this Committee, however, eleven have now been carried out in our program since 1943.

#### Steps During 1944

Early in 1944, the Interdepartmental Committee was reorganized. To the representatives of the State Departments of Health, Labor and Social Welfare were added representatives of the State Department of Agriculture and Markets, the Division of the State Police and the Farm Manpower Service. Later the Extension Service and the State Youth Commission were added.

In its work, early in 1944, the committee chose to emphasize improvements in (1) housing and (2) child care. For many years, New York had had in its Sanitary Code, Chapter VII establishing minimum requirements for all camps including farm labor camps. It was found that the code was inadequate and out-of-date. For this reason, the Department of Health, with the assistance of the Committee, completely revised Chapter VII of the Sanitary Code. This was approved by the Public Health Council giving it the effect of law and became effective in June, 1944.

The Code not only established specific minimum requirements with regard to space, ventilation, type of construction, water supply, food service, sewage disposal, bathing and other aspects of migrant camps but also fixed responsibility for the maintenance of satisfactory conditions, made specific requirements with regard to first aid and communicable disease, and established other requirements.

Migrant child care, the second of our principal activities in 1944, was not new but was expanded. The program in 1944 was financed in large part from Federal Lanham Act Funds. Actual sponsorship of the program, as in prior years, was provided by the Home Missions Council which operated 12 child care centers and the Catholic Charities of Buffalo which operated one large center. All such centers were required to be approved by the State Department of Social Welfare.

#### Steps During 1945

Despite the progress made in 1944, the committee recognized and studied numerous other problems beside housing and child care. By the end of November, 1944, the committee had prepared a list of tentative recommendations for further improvement in 1945. Before final action was taken, they were discussed with growers and canners. Three public hearings were held in the most important migrant areas. Later the recommendations were presented to the Association of New York State Canners and on another occasion to the Conference Board of Farm Organizations, a strong and effective group which represents all eight of the statewide farm organizations in the State.



Some of the recommendations which the committee had proposed were not approved by these groups and for the time being they were dropped. But several of the recommendations which were approved, were improved and made more effective by suggestions from these groups. Even more important, these groups felt that they were participating in the development of the program. As a result, we have had their continued support instead of their opposition on each phase of our program. Their experiences in these meetings and in the many meetings, conferences, and discussions which have followed since that time have proved of tremendous educational value to these growers and others. Perhaps this is the reason why we now have support for proposals which were violently opposed only two or three years ago. Education may not be the fastest method but we are convinced that it is by far the soundest.

The completed report of the committee was submitted to the Governor and each of the recommendations was carried out in 1945.

The State War Council, however, was not completely satisfied that our program was proceeding rapidly enough and decided to learn first-hand of the problem and needed improvements for 1946. For this purpose, a special Committee of the State War Council was appointed to give further study to some of our proposals and other problems in order to further the program already under way. This Committee of seven, included the majority and minority leaders of the Assembly; the Chairman of the Legislative Committee on Interstate Cooperation; the Lieutenant Governor, who is President of the State Senate; the State President of the C.I.O.; a prominent negro leader, who later became a member of the State Commission Against Discrimination; and the Dean of the State College of Agriculture as Chairman.

This Committee of seven spent a total of four days on two different occasions with seven farmers and seven canners, visiting 30 farm labor camps during the summer of 1945. Migrant problems were discussed with large numbers of workers and camp operators. Two evening discussions were held by the Committee while on these tours, and two other meetings were held by the Committee in Albany before its final report was completed, approved, and submitted to the Governor in January, 1946, at which time this special War Council Committee was discharged.

#### Steps in 1946

After being approved by the State War Council, this report was submitted by the Governor to the Legislature with his request that favorable action be taken on each of the six recommendations. Every recommendation was approved and each of them was carried out.

#### Summary of Action Taken and Results Obtained

Action taken since 1943 can be classified under these seven headings:  
 (1) Housing; (2) Health; (3) Transportation; (4) Registration of Contractors;  
 (5) Child Care; (6) Workmen's Compensation and (7) Child Labor.



(1) Improvements in Housing

(a) Revision and modernization of the Sanitary Code as it applied to migrant camps was not the only step taken in improving migrant camp conditions.

(b) After the Code was revised, the State Health Department held a training school for its District State Health Officers and Sanitary Engineers to familiarize them with the revised code. In addition, the Department held a series of seven meetings for farmers and canners in various parts of the State to explain the requirements of the new code, to offer assistance of its staff, and to help growers and canners comply with it. In 1946, for example, 4,200 weekly camp inspections were made.

(c) In 1944, farmers began asking the Extension Service of the College of Agriculture for assistance in building, remodeling, and managing camps in order to comply with the requirements of the Sanitary Code. State funds were provided in 1945 for two specialists, one an agricultural engineer to work with growers on construction and remodeling jobs, and the other to assist growers in improving their camp management. The results of the engineer's work are reflected in the Health Department's camp report for 1945. The work of the camp management specialist was reflected in the improved management practices in 1945 but mostly in the increased number of qualified camp managers in 1946. Two capable managers were placed, at the request of growers, in two camps in 1945. A total of 19 camps with a population of 2,100 or about 21 percent of the total migrants in camps of 10 or more were in the hands of capable, trained managers in 1946. Capable management, in our experience, contributes more than any other one thing to camp improvement.

In 1946, at the suggestion of the State War Council Migrant Committee, and with State funds for this purpose, the Extension Service of the College of Agriculture had a total of five specialists on migrant camps. Two are continued to help camp operators on problems of camp construction and camp management, and three additional ones worked on problems of feeding, labor utilization, and business management assistance to our 45 farm labor associations. The proposed 1947 College budget includes these five as permanent positions.

(d) Special legislation was passed in 1945 to permit the transfer without charge of unused CCC Buildings owned by the State to County Farm and Home Bureau and 4-H Club Associations. Several of these have been used for migrant housing and a considerable number of others have been purchased by camp operators or cooperative associations for improving their housing.

(e) Until 1946, the State Health Department had been handicapped in the enforcement of the Sanitary Code. Its program has been aimed at obtaining a high degree of voluntary compliance with the Code so that the need for "cracking down" and prosecution would be kept to a minimum. It was recognized, however, that there would be instances in which prosecution would be required. Until 1946, the Health Department has been able to threaten only. Under our law, operators could be fined or jailed but the camp could not be closed quickly.



The State War Council Committee made a special study, with capable legal help, of the kind of legislation which would do the job and which would also probably be approved by the Legislature. A proposal in the 1945 Legislature had been soundly defeated. The closing of a Farm Labor Camp, because it is in violation of the Sanitary Code, must be done promptly and effectively if the health and welfare of the workers and the community are to be protected. Unfortunately, in some respects, however, the closing of a camp amounts to the seizing of private property. This is possible under the fifth amendment to our Federal Constitution only with "due process". Due process usually takes time.

Finally a bill was drafted which overcame the objections to the proposed 1945 bill which was defeated. It was patterned in part on the law permitting the closing of houses of prostitution and partly on New York City legislation permitting the vacating of unsafe buildings. This bill was included in the report of the War Council Committee. It was passed by the 1946 Legislature and it is now law. It has been used, so far, in only one case. The initial step was taken in two other cases but compliance was immediately forthcoming.

## (2) Improved Health Services

The State Health Department through its district offices, is now providing even better public health services to migrant workers than are available to our year-round population. Tuberculosis and venereal disease clinics are held in most camps. In 1946, 3,293 chest X-rays were taken even though workers were not required to have them. A total of 204 venereal disease case-finding and treatment clinics were held in 1946. About 2,900 blood tests were taken and more than 3000 treatments were given. Child health clinics are held at intervals in all 40 camps with small children. Health education shows including moving pictures, posters, and leaflets are held at intervals in all camps. A specially prepared Disney-type, talking film strip, "Stinky Comes Clean" was widely used and accepted in 1946. In 1946, 11,360 hours of public health nursing service were given in a total of 180 different camps. This is equivalent to 26 full-time nurses for an average of 12 weeks.

## (3) Amendments to the Vehicle and Traffic Law (Transportation)

In 1945, the Legislature, upon the recommendation of the Interdepartmental Committee, amended the Vehicle and Traffic Law pertaining to the transportation of persons by truck. Firmly attached seats must be provided for two-thirds of the workers, and a satisfactory tail-board or endgate must be closed. At least one adult must accompany groups of youth who are less than 21.

## (4) Registration of Labor Contractors

During its tour in 1945, the War Council Migrant Committee, became intensely interested in the activities of the so-called labor contractors or crew leaders. On the recommendation of the Committee, a study of 30 of these was made in 1945. On the basis of it the Committee recommended that the State Labor Law be amended to require the registration of employers and contractors with 10 or more out-of-state domestic workers in New York. The draft of a bill was included in the report and this law was passed by the Legislature and signed. A total of 86 registrations covering 8,400 workers were made in 1946. This covered virtually



all of those who arrived in the state in groups of 10 or more.

#### (5) Child Care

Prior to 1946, the Home Missions Council and Catholic Charities of Buffalo with Federal Lanham Act Funds maintained a highly successful child care program. With the expiration of Federal Funds early in 1946, the State War Council Migrant Committee recommended the appropriation of State funds to replace them. These were appropriated by the Legislature to the State Youth Commission. It was assumed that these State funds would be paid directly to the Home Missions Council and the Catholic Charities of Buffalo to continue the program as in the past. Our State Constitution, however, prohibits the payment of public funds to a religious association. In order to insure a child care program in 1946 and to serve other purposes, there was organized the New York State Federation of Growers' and Processors' Associations which has sponsored the program and which is eligible for an 85 percent reimbursement from the State Youth Commission. Parents paid from 50 cents to \$1.00 per week per child and the remainder of the 15 percent was paid by the growers. Budgets were prepared in advance and approved by the Youth Commission. All financial records are subject to audit.

A total of 22 child care centers operated in 1946 with a total enrollment of 835 children including two privately operated centers which did not request state aid. Costs per day per child averaged \$2.86, of which the State paid 85 percent and the growers and parents paid 15 percent.

#### (6) Workmen's Compensation Insurance

Workmen's Compensation Insurance is not required of farmers in New York State. Our Committee found that in 1944 the relatively high rate, particularly for vegetable growers, kept the number of farmers who purchase such protection at a relatively low level. Two reductions in rates have been made since 1943 but our rate is still the highest of all states and 70 percent above the average of all of them. The Labor Contractor Survey in 1945, for example, showed that workers of 87 percent of the contractors were covered by either Workmen's Compensation Insurance or Farmer's Liability Insurance. In 1946, 90 percent of the employers and labor contractors who registered with the Labor Department had Workmen's Compensation Insurance.

#### (7) Child Labor

Our present state law prohibits the employment of youth under 14 on any farm other than that of their parents. Those 14 and 15 years of age may be legally employed only if they have farm work permits issued by their schools.

Up to the beginning of World War II, it is fair, I believe to say that as in other states, little or no attempt had been made to enforce the Child Labor Laws on the farms. During the war it was obviously impossible to begin a "crack-down" program which might have interfered seriously with maximum food production.

With the ending of the war, however, and the return to what we hope will be more nearly normal times, it was apparent that some steps needed to be taken to obtain compliance with the law.



Inasmuch as the law is, to most farmers, a new law, an intensive program of education and assistance to growers was carried out in 1946 through 25 day-haul assistants, with the hope that a high degree of voluntary cooperation would be obtained. The program placed emphasis on the day-haul program in and around our larger up-state cities. Attention, however, was also given to the children of migrant workers.

Summaries of the 1946 project show fewer illegally employed youth than had previously been assumed. They also showed increased numbers of farm work permits issued and a decline during the summer in illegal employment. Plans are being made for a somewhat modified program in 1947.

The educational program on child labor began last winter through the Extension Service representatives in the Southern States. Growers also were aware of these plans in their recruiting activities. This work may have been partly responsible for the decrease in the number of migrant children who came to New York in 1946. Even though we made progress in reducing child labor within the state, there is some reason to believe that one effect of our work was merely to divert considerable numbers of children to other states where no drive against child labor was under way.

#### Problems Remaining

Even though our Committee believes that much progress has been made toward a solution of our migrant problem, there are numerous difficulties still with us. We believe many of them will continue. We expect migrants for many years ahead. Here are some with which we are wrestling at the moment.

First of all, on what permanent basis can the child care program be financed? Whether or not the cost of such a program should continue over a period of years to be largely a logical responsibility of government, is something we have not yet decided. In any event, we believe the program must go on and are anxious to find a way to insure its continuation for all children up to 14.

2. Is our present law adequate with regard to labor contractors and crew leaders? Possibly labor contractors operating entirely within the State should also be included.

3. What can we do to improve the livability of camps beyond the minimum requirements for health and safety? Many of our growers are ahead of us in this respect; others meet only the minimum requirements. Livability is an intangible term for which it is difficult to prescribe standards. We feel, however, that minimum physical standards are only part of a satisfactory camp. Probably the answer lies in a continued educational program and publicizing successful, demonstration camps.

4. Are we ready for compulsory Workmen's Compensation Insurance? Even though we appear to have a rather high degree of voluntary protection, it is conceivable that the time has come when positive action is desirable.



5. What steps should be taken to bring under the jurisdiction of the State Health Department all camps regardless of size? At the present time, only camps having ten or more workers are considered as camps by the Health Department.

6. What should be our program with regard to Child Labor? Certainly we cannot completely solve a problem of this magnitude over night. Our 1946 experience indicates at least one way of achieving significant results, but there are always some who will not comply voluntarily. "Cracking-down" may be the only solution.

7. What can be done to improve transportation to New York State? Even though 45 percent of our migrants arrive by bus, rail and private car, the remainder come in trucks under conditions that are often far from satisfactory. Obviously this is not just a problem for New York.

8. What can be done to reduce truck licensing costs for contractors who operate several trucks in several states during the season? If anyone has the answer, we would like to have it.

#### Summary

In the beginning, I mentioned that even though progress has been made, we see more problems to solve than we saw when we started in 1943. For this reason our Committee is continuing study of our problems and constantly taking steps toward further improvement. Our 1947 program, continuing what we have done and adding one or two new features will be approved the first week in February.

It seems to us that whatever success we may have achieved, traces quite largely to four things. First, we have recognized that the problem involved not only the interests of the workers but also those of employers and the public as well. We have attempted to build a program which recognized the interests of all and which produced the greatest ultimate good for the greatest number.

Secondly, we have had the utmost cooperation of all the State and Federal Departments and Agencies involved in this program. Even though they have maintained their independence they have cooperated whole-heartedly and unselfishly in all phases of the program. In general, the Interdepartmental Committee as a Committee has studied problems and recommended a program to solve them. These have been rather widely publicized. Publicizing results achieved, however, has been left quite largely to the individual Departments.

Thirdly, we believe that cooperation with growers and workers has paid dividends. From the beginning, we have consulted them and will continue to do so, individually and through their organizations, in order to get help in formulating our program, and in order to be assured of their support in carrying it out. Being able to point out that the improvement program was good business, paid dividends. Publicizing bad conditions and recognizing improvements publicly have helped tremendously.



A fourth factor in our program is that we have approached each problem on an educational basis and concentrated on two or three each year without becoming impatient and provided we kept making progress. We have been naive enough to assume that if every one is aware of a problem and a sound means of solving it, most of them will voluntarily comply and cooperate. We recognize that this is not the only method. We are aware too that it cannot be done over night.



